

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 22, 2003

DIVISION TWO

B160711 People (Not for Publication)
v.
Moran

The judgment is affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J.
Ashmann-Gerst, J.

B164272 People (Not for Publication)
v.
Jauregui

The true finding on the prior prison term within the meaning of section 667, subdivision (b) is stricken and the one year enhancement under that section is reversed. In all other respects the judgment is affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J.
Ashmann-Gerst, J.

B163305	People v. Whaley
B167951	People v. Whaley

Filed order consolidating above captioned appeals.

We concur: Boren, P.J.
 Nott, J.

Nott, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION TWO (Continued)

[illegible]

The true finding on the sexual battery charge is reversed. The order appealed from is otherwise affirmed.

Nott, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B163797 Utility Audit Company, Inc. (Certified for Publication)
v.
City of Los Angeles

The judgment appealed from is reversed and remanded for proceedings consistent with this opinion. The City shall recover costs of appeal from Utility.

Nott, J.

We concur: Boren, P.J.
 Doi Todd, J.

B162300 People
v.
Anderson III

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

Court convened at 9:30 a.m.

Present: Croskey, Acting P.J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B158782 Winokur, et al. v. Great Western Financial, et al.
B161548 Floyd v. Floyd
B163027 Children and Family Services v. Cherise S.
B160704 People v. Lawlor

Argument waived, cause submitted.

B159695 People
 v.
 Kangarlou

Merits:

Argued by Susan K. Keiser for appellant and by Jaime L. Fuster, deputy attorney general for respondent. Cause submitted.

B158816 Gilley, et al.
 v.
 Wells Fargo Home Mortgage, Inc., et al.

Merits:

Argued by Yolanda Gilley, appellant in propria persona and by Jonathan Zak and Domenic Puccio for respondents. Cause submitted.

B163375 Adams
 v.
 Cavins, et al.

Merits:

Argued by David R. Ellison for appellant and by Marvin A. Bauer for respondents. Cause submitted.

DIVISION THREE (Continued)

B159986 Carmona
v.
Boeing Company, et al.

Merits:
Argued by Rochelle Evans Jackson for appellant and by Barbara E. Johnson for respondents. Cause submitted.

B156858 BIS Computer Solutions, Inc.
v.
Hitachi Data Systems Corp., et al.

Merits:
Argued by Edwin Carney for appellant and by Philip Sellinger for respondents. Cause submitted.

Court adjourned at 1:11 p.m.

DIVISION FOUR

B164720 People (Not for Publication)
v.
Arzaga

The judgment is affirmed, and the matter is remanded for the abstract of judgment to be amended to delete the award of pre-sentence conduct credit and to delete any references to willful, deliberate and premeditated enhancements on counts 2 and 3.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

B165758 People (Not for Publication)
v.
Brianna Sneed

the judgment is modified to reflect credit for 66 days in actual presentence custody, plus 32 days of conduct credit, for a total presentence custody credit of 98 days. In all other respects, the judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B168752 People (Not for Publication)
v.
Michael Cleveland

The appeal is dismissed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

[illegible]

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B166094 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Alfonso C.
 In re Alfonso C. Jr.

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

B160715 People (Not for Publication)
 v.
 Hugo Melendez

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

DIVISION SIX

Court convened at 1:30 P.M. in the Santa Barbara Co. Board of Supervisors Hearing Room.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B163136 Randall v. Gourley

Argument waived, cause submitted.

B165252 Marriage of Benson

Argument continued to November, 2003.

DIVISION SIX (Continued)

B165783 City of Carson
 v.
 Workers' Compensation Appeals Board
 Thomson, Respondent

Appearances:

Timothy G. Keller for petitioners and by Robert B. Stake for respondent Thomson. Presentation waived. Presentation previously waived by respondent Workers' Compensation Appeals Board. Cause submitted.

B162824 Burkett
 v.
 Capovilla

Merits:

Argued by Robert O. Angle for appellant and by Kenneth L. Moes for respondent. Cause submitted.

B161072 Marriage
 of
 Spreafico

Merits:

Argued by Anna A. Karzag for appellant and by John F. Hodges for respondent. Cause submitted.

B158976 Richards
 v.
 Briggs

Merits:

Argued by John Raymond LaBrucherie for appellants and by Timothy Trager for respondent. Cause submitted.

DIVISION SIX (Continued)

B165918 Myers
v.
Toms

Merits:

Argued by Timothy Trager for appellants and by David K. Hughes for respondent. Cause submitted.

B162350 Alexander C.
v.
Santa Barbara Co.

Merits:

Gilbert, P.J. disclosed that counsel for respondent previously clerked as an extern in Division Six.

Argued by Jeffrey Stephen Young for appellants and by Lisa Rothstein, Deputy County Counsel, for respondent. Cause submitted.

Court adjourned at 3:15 P.M.

B162438 Dixon (Not for Publication)
v.
Litton Loan Servicing

The judgment is reversed. Costs are awarded to appellant Litton.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

October 22, 2003 (Continued)

DIVISION SIX (Continued)

B166732 People (Not for Publication)
v.
Wilcher

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B163792 People (Not for Publication)
v.
Amicar H.

The judgment(order setting direct victim restitution) is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B157991 Gifford (Not for Publication)
v.
Berry, et al.

The judgment is affirmed. Costs on appeal are awarded to respondent.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

[illegible]

The judgment is reversed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B159594 Morohoshi, et al. (Certified for Publication)
v.
Pacific Home, et al.

The judgment is modified to provide Harbor Regional Center and Pacific Home are jointly and severally liable to the Morohoshis for the economic and noneconomic damages sustained as a result of Pacific Home's negligence in the sum of \$505,644.36 plus cost as provided by law. In all other respects the judgment is affirmed. Appellants are awarded their costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B165483 Castro (Not for Publication)
v.
City of Los Angeles

The order sustaining the City's demurrer to the first amended complaint without leave to amend, dismissing the first amended complaint as to the City, is affirmed. Respondent is entitled to recover its costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
Munoz, J. (Assigned)

DIVISION SEVEN (Continued)

B137295 PBA, LLC., et al. (Certified for Partial Publication)
 v.
 KPOD, LTD., et al.

The order denying the motion by Kennedy and O'Brien to set aside all orders by Judge Morgan is affirmed. The judgment in favor of KPOD on its cross-complaint against PBA is reversed. The judgment in favor of KPOD and the other cross-defendants on PBA's cross-complaint is affirmed. The order approving and adopting the referee's final accounting is affirmed. The order awarding attorney fees to PBA on the partition action is affirmed. The order requiring the receivership estate to pay the receiver's attorney fees in defending the action brought by Seaspan, Inc. is affirmed. The orders sustaining demurrers to and dismissing the first through twelfth causes of action in Sailor Kennedy's cross-complaint are reversed. The order striking the thirteenth cause of action with leave to amend is affirmed. The orders sustaining demurrers to and dismissing the first through eighth causes of action in Timothy O'Brien cross-complaint are reversed. The order sustaining the demurrer to the ninth cause of action is affirmed. The trial court is directed to vacate Judge Gale's order reversing the previous orders declaring Sailor Kennedy a vexatious litigant and imposing prefiling restrictions. Each party is to bear its own costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
 Munoz, J. (Assigned)

B157868 People (Certified for Publication)
 v.
 Riva

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
 Munoz, J. (Assigned)

October 22, 2003 (Continued)

DIVISION SEVEN (Continued)

B164442 People (Not for Publication)
v.
Ortega

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.